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IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. CR. S-97-381 FCD
	)	
Plaintiff,	)	PLAINTIFF'S REQUEST FOR A
	)	HEARING TO REMAND DEFENDANT
v.	)	INTO CUSTODY TO BEGIN
	)	COMPLETION OF HIS SENTENCE;
	)	<b>ORDER</b>
BRYAN JAMES EPIS,	)	
	)	
Defendant.	)	Court: Hon. Frank C. Damrell

Plaintiff United States of America respectfully requests that this Court set a hearing date as soon as possible to order the remand of defendant Bryan James Epis into custody to begin completion of his ten-year sentence of incarceration imposed by this Court upon re-sentencing on September 14, 2007.

As grounds for this request, the United States notes that Epis' efforts for appellate review have all been rejected in that: (1) by a non-published opinion issued on August 11, 2009, the Ninth Circuit Court of Appeals affirmed Epis' convictions and sentence (see United States v. Epis, 332 Fed. Appx. 409, 2009 WL 2448234 (9th Cir. 2009)); (2) the Supreme Court denied Epis' petition for certiorari on January 19, 2010; and (3) the Ninth Circuit issued its mandate in this case on January 26, 2010.

1 Based on these facts, the United States respectfully  
2 requests that the Court enter the proposed Order attached below.

3  
4 Dated: February 11, 2010

BENJAMIN B. WAGNER  
United States Attorney


5  
6 /s/ Samuel Wong  
7 By: \_\_\_\_\_  
8 SAMUEL WONG  
9 Assistant U.S. Attorney

10 **ORDER**

11  
12 The Court having reviewed, read, and considered the request  
13 of plaintiff United States of America for a hearing to order the  
14 remand of defendant Bryan James Epis, and good cause appearing  
15 therefrom,

16 It is ordered that the United States' request is hereby  
17 GRANTED. It is further ordered that Epis shall appear before  
18 this Court on **February 22, 2010, at 10:00 a.m.**, so that he can be  
19 remanded into custody for completion of the sentence of  
20 incarceration previously imposed by this Court.

21  
22 Dated: February 12, 2010

23   
24 \_\_\_\_\_  
25 FRANK C. DAMRELL, JR.  
26 UNITED STATES DISTRICT JUDGE  
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